



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Ex Parte Michael D. Kotzin

Application No. 10/608,989

Filed: June 27, 2003

For: **METHOD AND APPARATUS FOR PROVIDING ASSISTANCE TO A
COMMUNICATIONS UNIT OVER A NETWORK**

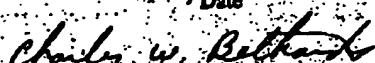
Group: 2654

Examiner: David D. Knepper

BRIEF ON BEHALF OF APPELLANTS

Charles W. Bethards, Reg. No. 36,453
Attorney for Applicants

X
1/20
4/16

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Charles W. Bethards	

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This brief is in furtherance of the Notice of Appeal in this case filed December 30, 2005.

13/21/2006 DEINMAN1 00000050 10608989

11 FC:1402

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01 BC:1251 120.00 DA

Adjustment Date: 05/09/2006 SDIRETA1
03/27/2006 PZIMMERM 00000003 503435 10608989
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April 24, 2006

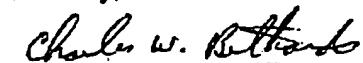
VIA FACSIMILE
(571-273-6500)
USPTO Deposit Account Branch

RE: Deposit Account 50-3435

ATTN: REFUNDS

On March 27, 2006 a charge of \$120.00 was made to our deposit account 50-3435 for serial number 10/608,989. Per a telephone conversation with the PTO (Ms. Zimmerman) this \$120.00 charge was for a one month extension of time. We believe this is improper since an Appeal Brief was timely filed on March 14, 2006, together with a Certificate of Mailing (See Enclosure). The Appeal Brief was due on or before March 14, 2006 in view of the February 14, 2006 mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review (copy Enclosed). Thus, an extension of time is not required. Please credit the \$120.00 to deposit account number 50-3435 at your earliest convenience. Thank you.

Sincerely,

Charles W. Bethards
Law Office of
Charles W. Bethards, LLP

Encls.

Certificate of Mailing
Notice of Panel Decision

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. GMB 0851-0031
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TRANSMITTAL FORM		Application Number	106005,969
		Filing Date	June 27, 2003
		First Named Inventor	Kotzka
		Art Unit	2654
		Examiner Name	Knappe, David D.
Total Number of Pages in This Submission	25	Attorney Docket Number	CS22158RL/10-160

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO-2038 Credit Card Authorization
Remarks The PTO fee of \$500 has been authorized to be charged to a credit card.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Law Office of Charles W. Bethards, LLP		
Signature	<i>Charles W. Bethards</i>		
Printed name	Charles W. Bethards		
Date	March 14, 2006	Reg. No.	38,483

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Charles W. Bethards</i>		
Typed or printed name	Charles W. Bethards	Date	March 14, 2006

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,989	06/27/2003	Michael D. Kotzin	CS22156RL/10-160	6421
51874	7590	02/14/2006	EXAMINER	
LAW OFFICES OF CHARLES W. BETHARDS, LLP			KNEPPER, DAVID D	
P.O. BOX 1622				
COLLEYVILLE, TX 76034				
		ART UNIT		PAPER NUMBER
		2654		
DATE MAILED: 02/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Application Number 	Application/Control No. 10/608,989	Applicant(s)/Patent under Reexamination KOTZIN, MICHAEL D.
	Richemond Dorvil	Art Unit 2654
Document Code: AP.PRE.DEC		

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 12/30/2005.

1. **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other: _____

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

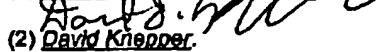
Claim(s) rejected: 1-30

Claim(s) withdrawn from consideration: _____

3. **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:


(1) Richemond Dorvil

(2) David Knepper

(3) _____

(4) _____